

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-13-690-D
)	
OKLAHOMA GAS AND ELECTRIC)	
COMPANY,)	
)	
Defendant.)	

**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF
BRIEFING DEADLINES ASSOCIATED WITH
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT AND
DECLARATORY RELIEF AND DEFENDANT’S MOTION TO DISMISS**

Defendant, Oklahoma Gas and Electric Company, pursuant to Fed. R. Civ. P. 7(b) and Local Rule 7.1(h) respectfully requests that this Court issue an Order extending the briefing deadlines associated with Plaintiff’s Motion for Summary Judgment and Declaratory Relief (Doc. No. 8) and Defendant’s Motion to Dismiss (Doc. No. 10). In support of this motion, Defendant would show the Court as follows:

1. Defendant is presently required to file a response to Plaintiff’s Motion for Summary Judgment and Declaratory Relief on or before September 20, 2013, and Defendant requests a fourteen (14) day extension of this deadline, or until October 4, 2013.

2. Plaintiff’s reply to its Motion for Summary Judgment and Declaratory Relief is due on or before September 27, 2013, and an extension of twenty-eight (28) days, or until October 25, 2013, is requested.

3. Plaintiff is presently required to file a response to Defendant's Motion to Dismiss on or before September 27, 2013, and an extension of fourteen (14) days, or until October 11, 2013, is requested.

4. Defendant's reply to its Motion to Dismiss is due on or before October 4, 2013, and Defendant requests a twenty-eight (28) day extension of this deadline, or until November 1, 2013.

5. No extensions have previously been sought with respect to either Plaintiff's Motion for Summary Judgment and Declaratory Relief or Defendant's Motion to Dismiss.

6. The briefing extensions are being requested due to the complexity of the issues in this case.

7. Defendant's counsel has contacted Plaintiff's counsel regarding the requested briefing extensions and is authorized to state that Plaintiff's counsel has no objection to the relief sought.

8. This action is not presently set for trial and no scheduling order has been entered; thus, granting this motion will not delay or adversely affect the trial date.

9. A proposed order is being submitted simultaneously to the Court for consideration.

WHEREFORE, Defendant, Oklahoma Gas and Electric Company, respectfully requests that this Court grant its Unopposed Motion for Extension of Briefing Deadlines their Joint Motion for Extension of Time to File Response and Reply Regarding

Defendant's Motion to Dismiss Second Amended Complaint, and enter an order extending the briefing deadlines as follows:

(1) Defendant's response to Plaintiff's Motion for Summary Judgment and Declaratory Relief – fourteen (14) days, or until October 4, 2013;

(2) Plaintiff's reply to its Motion for Summary Judgment and Declaratory Relief – twenty-eight (28) days, or until October 25, 2013;

(3) Plaintiff's response to Defendant's Motion to Dismiss – fourteen (14) days, or until October 11, 2013; and

(4) Defendant's reply to its Motion to Dismiss – twenty-eight (28) days, or until November 1, 2013.

s/Donald K. Shandy

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2013, I electronically transmitted the attached document to the Clerk of this Court using the ECF system for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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s/Donald K. Shandy

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